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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,928	05/10/2001	Al Pilcher	GOW 0083 PA	7068
7590 06/08/2004			EXAMINER	
Killworth, Gottman, Hagan & Schaeff, L.L.P. One Dayton Centre, Suite 500 Dayton, OH 45402-2023			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 06/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,928

Applicant(s)

PILCHER, AL

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/13/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Election/Restrictions

1. Applicant's election of group Invention 1, consisting of claims 1, and 4-11 received on April 26, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 2-3 and 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Currently claims 1 and 4-11 are pending for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on May 12, 2000. It is noted, however, that applicant has not filed a certified copy of the Canadian Patent application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the temporary memory" in line 14. There is insufficient antecedent basis for this limitation in the claim 6 or claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1. Claims 1, 4, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. (US Patent 6,223,190 B1), hereinafter, referred to as Aihara, in view of Moghadam et al. (US Patent 5,801,856), hereinafter, referred to as Moghadam and further in view of Seal et al. (US Patent 6,333,988 B1), hereinafter, referred to as Seal.

Regarding claim 1, Aihara discloses a method of providing an inventory of digital images (see at least abstract, and col.2, lines 59-67) comprising the steps of:

acquiring digital images of the items for the inventory and transferring the images to a computer memory (see at least col.6, lines 50-59, " Referring now to FIG. 1, a block

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*diagram of a digital camera 110 is shown for use in accordance with the present invention. using a capture button or some other means, instructed **camera 110 to capture an image of object 112**, computer 118 commands imaging device 114 via system bus 116 to capture raw image data representing object 112. The captured raw image data is transferred over system bus 116 to **computer 118 which performs various image processing functions on the image data before storing it in its internal memory.** ... ");*

*formatting the images in the computer (see at least col.7, lines 11-21, " The present invention provides an inexpensive method and system for capturing images **and generating a formatted electronic document which includes those images.** The document is readily interchangeable among users using a variety of computer implemented methods, such as, for example, email, LAN/WAN, or the Internet. The present invention provides a process of creating the formatted document including the image which is intuitive and user friendly. The document can be created in any of a number of formats. Such formats include, for example, HTML format, Postscript format, Acrobat format, and the like. "); and*

*transferring the formatted images to a storage medium (see at least col.3, lines 36-41, "The HTML file can then be downloaded from the digital camera using, for example, a removable **storage device (flash disk, PC Card, etc.).** Alternatively, in another embodiment, the HTML file can be made directly available over the Internet through the use of a web server hosted by the digital camera itself. ");*

Aihara does not disclose encrypting the formatted images. However, in the same field of endeavor, Moghadam discloses encrypting the images (see at least col.1, line 45-col.2, line 15, " In applications where photographic film images are taken for the record, e.g., crime scenes, documentation of an inventory, or insurance claims, the existence of a means of authenticating the contents of the image after it has been digitized by a scanner is extremely desirable. For example, a photographic system wherein any tampering with a digital image produced from a

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photographic original, either film or print, can be easily proven would be valuable to the photojournalist or criminal investigator. As another example, consider a photographer who shoots a roll of film and sends it to the photofinisher for development, digitization, and storage in a common data base that is accessible to many users over ordinary dial-up telephone lines. It is often desirable to scramble (encrypt) the digital image in some form so that only the intended recipient(s) can decrypt it. Also, the photographer may wish to "sign" the digital image in a manner that allows her to prove authorship in support of a claim of copyright or to prove that a digital image has not been tampered with..... "). In view of

Moghadam, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Aihara to incorporate the feature of encrypting the formatted images [please note Aihara already teaches formatting the images as analyzed above] because, as explicitly disclosed in Moghadam, to avoid tampering of the formatted digital images and that the intended recipients only should be able to decrypt the images.

Aihara in view of Moghadam does not further disclose applying a PIN to the encrypted images. Seal, in the same field of endeavor of personal identification, discloses applying PIN when accessing a network or user's own personal account number, etc. as a form of security to safeguard the access from unintended persons (see at least col.1, lines 22-34, "... *In today's world of electronic communication and commerce, the ability to identify a person, for the purposes of security in remote transactions is paramount. A common form of security is a simple password which, for example, is entered when a user wishes to access a computer network. Another form of security, which is widely used in bank automatic teller machines (ATMs), is a personal identification card, which holds on a magnetic strip encoded information such as the owner's personal details and account number, which is used in combination with a personal identification number (PIN) entered by the user when the transaction is initiated ..* "). In view of

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Seal, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Aihara in view of Moghadam to incorporate the feature of applying PIN to the encrypted images [please note Aihara in view of Moghadam already teaches encrypting formatted images, as analyzed above] because, as explicitly disclosed in Seal, to provide a form of security to safeguard the access of the images to only intended recipients .

Regarding claims 4 and 6, Aihara in view of /Moghadam, further in view of Seal as applied to claim 1 above further discloses taking the digital images of the items with a digital camera; and storing the digital images in a temporary memory in the camera (see at least 36-41, "*The HTML file can then be downloaded from the digital camera using, for example, a removable storage device (flash disk, PC Card, etc.). Alternatively, in another embodiment, the HTML file can be made directly available over the Internet through the use of a web server hosted by the digital camera itself.*" . Note: the flash disk or the PC card corresponds to a temporary memory in the camera.) and transmitting the digital images from the temporary memory to the computer over a wireless link (see at least col.9, lines 28-33, "*....A formatted HTML file is then generated using the captured images and the entered information. The HTML file may then be downloaded from the camera (e.g., via removable storage media, via universal serial bus, or some other means), for example, to a PC for storage in a database, or to a web server for display as a web page.*" , and col.13, lines 58-60, "*For example, a wireless modem can be used.....*". Note: the removable storage media in camera corresponds to the temporary memory as described above.).

Regarding claim 7, Aihara in view of /Moghadam, further in view of Seal as applied to claim 4 above discloses taking the digital images of the inventory items with a digital camera (already covered in claim 4 above); generating thumb print images corresponding to the inventory images (see at least col.4, lines 26-30. printing and displaying icons by the image capturing device, i.e. a digital camera corresponds to generating thumb print images of the inventory objects) ; storing the inventory images in a folder in a temporary memory in the camera; and storing the corresponding thumb print images in a folder within the inventory folder (storing the images in a temporary memory in the camera is already covered in claim 4 above and regarding file/folder of the images see col.3, lines 1-40 which discloses generating a HTML file).

Regarding claim 9, the limitations are closely parallel to the claim 7 and therefore it is analyzed and rejected on the basis of same rationale.

Regarding claim 10, Aihara in view of /Moghadam, further in view of Seal as applied to claim 1 above discloses a method for of providing an inventory of encrypted digital images. Aihara further discloses that the storage medium is a CD-ROM or a secured server memory (see at least col.9, lines 28-33, *".....A formatted HTML file is then generated using the captured images and the entered information. The HTML file may then be downloaded from the camera (e.g., via removable storage media, via universal serial bus, or some other means), for example, to a PC for storage in a database, or to a web server for display as a web page.* ",Note: the web server is the storage medium for the encrypted images. Since the

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images are encrypted it is expected that the web server is a secured server.). .

4.2. Claims 5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being obvious over Aihara in view of Moghadam , in view of Seal and further in view of Official Notice.

Regarding claim 5, Aihara in view of /Moghadam, further in view of Seal as applied to claim 4 above further discloses connecting the temporary memory to the computer to transfer the digital images (see at least col.9, lines 28-33, "*....A formatted HTML file is then generated using the captured images and the entered information. The HTML file may then be downloaded from the camera (e.g., via removable storage media, via universal serial bus, or some other means), for example, to a PC for storage in a database, or to a web server for display as a web page. "* . Note: the removable storage media in camera corresponds to the temporary memory as described above.). Aihara in view of /Moghadam, further in view of Seal as applied to claim 4 does not disclose clearing the digital images from the temporary memory. However, the examiner takes an official notice of the concept and benefits of clearing the digital images from the temporary memory as of a removable storage media. It was notoriously well known at the time of the applicant's invention to erase the images from the removable storage media after downloading them into a storage media of a PC, for example the film cartridge and then use them again as empty cartridge to expand the picture-taking capacity of the digital camera. In view of the official notice it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to incorporate the concept and benefits of the

official notice in clearing the digital images from the temporary memory because, as explained above, the temporary memory that is the removable storage media in the form of a film cartridge can be reused again after clearing the digital images.

Regarding claim 8, the limitations are closely parallel to the claim 5 and therefore it is analyzed and rejected on the basis of same rationale.

Regarding claim 11, Aihara in view of /Moghadam, further in view of Seal as applied to claim 1 above discloses a method for of providing an inventory of encrypted digital images. .). Aihara in view of /Moghadam, further in view of Seal as applied to claim 4 does not disclose deleting the encrypted formatted images from the computer memory. However, the examiner takes an official notice of the concept and benefits of deleting the encrypted formatted images from the computer memory. It was notoriously well known at the time of the applicant's invention to erase the images from the computer memory if the images have been downloaded to a storage media like a CD-ROM for personal use and storage and they are not further needed in future to release the storage space for other use. In view of the official notice, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to incorporate the concept and benefits of the official notice in deleting the encrypted formatted images from the computer memory because, as explained above, it will make available the occupied storage space in the computer for other intended use if the

intended use for the images stored in the computer memory is accomplished and fulfilled.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,094,541 to Alexandre et al. discloses a system and a method for transferring images in first format to a second format (See abstract).

(ii) US Patent 5,881,287 to Mast discloses encrypting images (see at least col.19, lines 21-34).

(iii) Washington, Kevin; " Digital Cameras; Thanks For The Memories: Goodbye, Fragile Film| Hello, Valuable Digital Images Ready To Send To Your PC."; The Sun; Baltimore, MD: Mar 13, 2000. pg 1 C, extracted from proquest database on 6/1/2004 and Press release; " Interview: Dan Gillmore, The San Jose Mercury News Technology Correspondent, Talks About How Digital Cameras Work"; Morning edition; Washington D.C; Sep 1, 1999, pg.1, extracted from proquest database on 6/1/2004 disclose use of digital cameras in acquiring images of objects, storing them in the camera and able to transfer them to a PC.

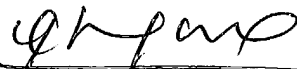
(iv) JP 411266418A to Minolta Col. And EP 944240 A2 to Canon disclose use of digital cameras in acquiring images of objects, storing them in the camera and able to transfer them to a PC.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Examiner
Art Unit 3625

YCG
June 1, 2004